



**Northern Illinois  
University**

**Nondiscrimination, Harassment and  
Sexual Misconduct Awareness and Prevention  
(Annual Employee Training)**

**Academic Diversity, Equity and Inclusion**

Hello fellow Huskies! Thank you for taking a bit of time today to further understand how best to interpret and follow NIU's policies and procedures for Nondiscrimination, Harassment, Retaliation and Sexual Misconduct by attending this important annual training. This training is also intended to fulfill our obligation under the State's Ethics Act to provide training to employees related to the Illinois Human Rights Act, as well as some of the other state laws. With your help, we can create a respectful working and learning environment that is a model to the community. Let's get started.

## Warning: Sensitive Topics



*Take Care  
- OF -  
Yourself*

- Take a break
- Breathe
- Drink water
- Call/text a friend

The subject matter for this training **is** sensitive in nature and may be triggering or cause a negative emotional reaction. Taking care of yourself throughout this training is important. Take a break, breathe, get a drink of water, call or text a friend, or do whatever you need to take care of yourself. If you need to stop this training due to a negative reaction, contact us at [adei-training@niu.edu](mailto:adei-training@niu.edu) to discuss other options.

## Role and Responsibility



- Purpose is to:
  - ✓ Create a safe learning and working environment
  - ✓ Create a mutually respectful working and learning environment
  - ✓ Mitigate personal and university legal risk
- All NIU employees must comply with:
  - ✓ Nondiscrimination, Harassment and Retaliation Policy and Procedures
  - ✓ Sexual Misconduct Policy and Complaint Procedures

Before we dive into our learning topics for today, let's take a few moments to highlight the key reasons why this training is so important for all employees. The purpose of these policies is to create a safe and respectful working and learning environment for employees and students alike. Following these policies and procedures intends to protect you and the university from legal consequences.

Whether you're an administrator, a faculty member, an instructor, a staff member, or an extra help employee, the policies on Nondiscrimination, Harassment, Retaliation and Sexual Misconduct apply and must be upheld.

Your time and attention today matters. Failure to comply with these policies and procedures is taken very seriously and can result in disciplinary action up to and including termination or expulsion. We want each of you to have the awareness, knowledge, and tools to follow these policies and procedures. Doing so will result in a strong contribution to a safe and respectful working and learning environment for each of us here at NIU.

## Reporting: Responsible Employees



- Are you a **Responsible Employee**?
  - ❖ Nearly all NIU employees are Responsible Employees.
  - ❖ If you are unsure, you can contact the Title IX Coordinator.
- Responsible Employees are required to report all incidents of:
  - ❖ Sexual misconduct
- Responsible Employees are strongly encouraged to report all incidents of discrimination, harassment and retaliation.

At NIU all employees of the university, unless deemed confidential, are considered “Responsible Employees” and as such are required to report actual or suspected incidents of sexual misconduct to the Ethics and Compliance Office. It is strongly encouraged that incidents of actual and suspected discrimination, harassment and retaliation be reported to the Ethics and Compliance Office as well. “Responsible Employees” include, but are not limited to, faculty members, administrators, staff, and student employees.

Those who are deemed confidential include people who are employed within Counseling and Consultation Services, the Employee Assistance Program (EAP), the Office of the Ombudsperson, Health Services, the Couples and Family Therapy Clinic, and the Psychological Services Center. If an employee is unsure whether they are a responsible employee, they can contact the Title IX coordinator to find out.

**State employees should report misconduct to the NIU Ethics and Compliance Office or the Office of the Executive Inspector General (OEIG).** We will talk later in this training about the additional details related to reporting possible violations of policy.

# Learning Topics



- Unlawful Discrimination
- Harassment
- Retaliation
- Sexual Misconduct
- Reporting
- Resources
- Active Bystander



During this training, we will talk about some topics that are sensitive in nature and that may cause some discomfort or that may trigger negative reactions for some viewers. For our learning topics, we will discuss and learn about unlawful discrimination, harassment, retaliation, and sexual misconduct. We will learn how to take safe action to prevent and lessen the impact of these offenses as active bystanders. Lastly, we will discuss the key components of reporting actual and suspected offenses and we will share information about resources that offer services and support to both NIU employees and students.

Remember, throughout this training to take care of yourself. If the subject matter or topics become too uncomfortable for you or trigger a past negative event, stop the training and contact [ADEI-Training@niu.edu](mailto:ADEI-Training@niu.edu) for further instructions. Do not downplay your feelings about these sensitive topics. Take care of yourself.

# Nondiscrimination, Harassment and Retaliation



## NIU Policy

# DISCRIMINATION

[Nondiscrimination, Harassment and Retaliation Policy and Procedures  
for Students, Faculty and Staff](#)

NIU's Nondiscrimination, Harassment and Retaliation Policy and Procedures for Faculty, Staff and Student's can be found in full by searching the NIU Policy Library or the NIU Directory or you may click the link on this slide to be directed to it now.

As a quick snapshot the Nondiscrimination, Harassment and Retaliation Policy states that NIU does not unlawfully discriminate on the basis of any protected category when it comes to making employment or academic decisions including but not limited to hiring, benefits, recruitment, admissions, financial assistance and disciplinary action. We will take a look in a moment at the protected categories that are covered within this policy and in many cases by federal and/or state law.

The policy also asks anyone who has experienced unlawful discrimination to report it to the Ethics and Compliance Office where trained investigators will respond to the allegations. Lastly, the policy makes it clear that whenever there is a violation of policy, corrective action will take place. Each situation is different so the form of corrective action that may be taken will also be different depending on the circumstances and the situation.

In addition to NIU's Nondiscrimination Policy, employees are also protected from unlawful discrimination, **sexual harassment** and harassment through the Illinois Human Rights Act.

# Protected Categories



NIU policy prohibits discrimination on the basis of:

Age	Gender Identity	Race
Ancestry	Genetic information	Religion
Arrest record	Marital status	Sex
Citizenship status	National origin	Sexual orientation
Color	Order of protective status	Unfavorable military discharge
Disability	Political affiliation	Veteran/military status
Gender expression	Pregnancy	Victim of domestic or sexual violence

For more details regarding protected categories at the federal level visit [U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/) and at the state level visit [Illinois Department of Human Rights](https://www.idhr.state.il.us/).

NIU prohibits discrimination and harassment based on these listed protected categories. This means that a person cannot be discriminated against or harassed based on their actual or perceived membership in one of these categories.

Many of these protected categories are protected at the federal and/or state level as well. **The Illinois Human Rights Act, for example, protects against discrimination and harassment on the basis of race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service.** Please review the definitions for each protected category, based on Illinois law, that can be found on the Legal Definitions Handout in the left toolbar of this training. On this same handout you will also find definitions associated with violations of an individual's civil rights under the Illinois Human Rights Act. For example, an employer cannot require different or additional **immigration**-related documentation than is required by federal law.

We all are afforded some protection under the law as well as through NIU policy because we all fall into one or more of these protected categories. An individual cannot be discriminated against or harassed because of a characteristic(s) that is protected by the university's nondiscrimination, harassment and retaliation policy. Suspected or actual acts of discrimination or harassment should be **reported** to the Ethics and Compliance Office at NIU.

# Unlawful Discrimination



Unlawful Discrimination (2 factors):

- ✓ Has the person been treated unfavorably or subjected to adverse treatment?
  - ✓ Was the adverse treatment inflicted based off the protected category that the person belongs to?
- ❖ Unlawful discrimination is prohibited at NIU by policy and should be reported to the Ethics and Compliance Office ([eco@niu.edu](mailto:eco@niu.edu)/815-753-5560).

**According to the Illinois Human Rights Act, the definition of unlawful discrimination is “discrimination against a person because of his or her actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service...” (775 ILCS 5/1-103(Q)).**

Unlawful discrimination happens when someone is being treated unfavorably or is being subjected to adverse treatment and that treatment is based on their protected category. This can happen to employees, students and even visitors who come to our campus.

For example, denying a person a promotion because of their gender even though they are just or even more qualified than another candidate of a different gender for the same position, is unlawful discrimination. Another example might be if a professor refuses to call on a student during class because they have a disability.

What are some examples of unlawful discrimination that you can think of? What can you do if you see, suspect or experience unlawful discrimination? (Brief PAUSE) If you answered that you could report that offense to the Ethics and Compliance Office, you are correct. Good job!

Unlawful discrimination is prohibited at NIU and should be reported to the Ethics and



Compliance Office by emailing [eco@niu.edu](mailto:eco@niu.edu) or by calling 815-753-5560.

## Example of Unlawful Discrimination



- Sasha is a pregnant woman who recently told her employer, MK, that she is expecting a child and her due date is seven months away. The following week, Sasha asked for time off to attend a doctor's appointment. Three weeks later, Sasha had another doctor's appointment and requested time off work. Two weeks later, MK had a meeting with Sasha and told her that the agency had decided to make her position part-time because of Sasha's "condition". Her employer said this would be good for Sasha because now she could focus on her doctor's appointments and her health and not have to worry about working as many hours. Sasha is very upset by this because she wants a full-time position, and never told her employer that she wanted less hours or needed less hours because of her pregnancy.

This is an example of unlawful discrimination because the employer changed the conditions of Sasha's employment on the basis of her pregnancy.

# Unlawful Harassment



1. Unwanted or unwelcome conduct,
2. Based on an actual or perceived protected category, AND
3. Severe or pervasive enough to interfere with the employee's work or the student's academic performance, or creates a hostile, intimidating or offensive workplace or educational environment.

*\*Workplace environment is not limited to a physical location an employee is assigned to perform his or her duties.*

## Examples of Harassment

● Slurs ● Offensive jokes ● Intimidation ● Ridicule ● Mockery ● Insults ● Putdowns

**According to the Illinois Human Rights Act, unlawful harassment means “any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, or citizenship status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase ‘working environment’ is not limited to a physical location an employee is assigned to perform his or her duties.” 775 ILCS 5/2-101(E-1).**

To be clear, there are 3 criteria to determine unlawful harassment:

First, conduct is unwanted or unwelcome. Second, this unwanted or unwelcome conduct is based on one or more actual or perceived protected categories. Third, this unwanted or unwelcome conduct is severe or pervasive enough to interfere with work or school performance OR creates a hostile, intimidating or offensive work or school environment.

The use of slurs, offensive jokes, intimidation, ridicule or mockery, insults and putdowns are all examples of conduct that could amount to harassment. This type of behavior is not acceptable at NIU and a person who participates in this behavior could be expelled or **have** their employment terminated.

# Sexual Harassment



Any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of substantially interfering with an individual's work performance **or** creating an intimidating, hostile, or offensive working environment.

There are two Types of Sexual Harassment in the Workplace:

Quid Pro Quo

Hostile Work Environment

[Ethics Act](#) | [Illinois Human Rights Act](#)

Sexual harassment is also prohibited by NIU, the state Ethic's Act, and the Illinois Human Rights Act. The Illinois Human Rights Act defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or
- this conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

It is important to note that there are two types of sexual harassment in the workplace:

*Quid pro quo.* *"This for that."* This type of harassment occurs when someone in power (like a manager, supervisor or coach) communicates to a subordinate that in order for them to receive a promotion, raise, preferred assignment, specific grade or other type of job or academic benefit – or to avoid something negative like discipline or an unpleasant assignment – the subordinate must do something sexual in return.

*Hostile work environment.* A hostile work environment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Some examples of sexual harassment could include:

- deliberate touching, leaning over, or cornering;
- sexual looks or gestures;
- letters, telephone calls, personal e-mails, texts, or other materials of a sexual nature;
- pressure for dates;
- sexual teasing, jokes, remarks, or questions;
- referring to an adult as a "girl," "hunk," "doll," "babe," or "honey";
- sexual comments about a person's clothing, anatomy, or looks;
- turning work discussions to sexual topics;
- sexually suggestive posters, cartoons, websites, or magazines displayed in the workplace or shown to someone;
- making sexual gestures with hands or through body movements.

## Example of Sexual Harassment



- Employee A is polite and professional with all coworkers and has never made a sexually explicit comment or statement to any coworker. However, Employee A's desk is in a high-traffic area of the office, and every day during the authorized lunch period Employee A often views sexually suggestive YouTube videos with scantily clad individuals. Coworkers reported the conduct to Employee A's supervisor, and explained they feel uncomfortable walking past Employee A's desk and avoid that area as much as possible, including avoiding talking to other employees who work near Employee A. Employees who work near Employee A's desk reported that they often tried to find reasons to be away from their desk during Employee A's breaks and lunch period, which impacts their work performance.

This is an example of a hostile work environment sexual harassment. Hostile work environment sexual harassment occurs when conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. In this case, Employee A's coworkers avoid other employees because they do not want to be exposed to the content Employee A is viewing. Employee A's conduct is offensive to at least some coworkers and has the effect of substantially interfering with other individuals' work performance because they are not comfortable being in their work area during certain times.

Let's watch a short video on sexual harassment next.

## Video - Harassment



<https://www.youtube.com/watch?v=-EGnBik6LdM>

(Video will appear on slide)

This video gives us an idea of what sexual harassment might look like. Two male employees repeatedly made comments and engaged in actions that were sexual in nature, or based on sex or gender, while in the workplace. A female employee was subjected to this conduct. The conduct of the two male employees was unwelcome and unwanted by the female employee and based on sex and/or gender – a protected category. Their conduct would also be considered pervasive because it happened several days a week, every week. This conduct has resulted in a hostile and offensive work environment.

# Retaliation



- Retaliation is defined as suffering an adverse action because of participation in a protected activity.
- Strictly prohibited by university policy, the Illinois State Officials and Employees Ethics Act, the Illinois Human Rights Act, and the Illinois Whistleblower Act.

Protected activities may include:	Adverse actions may include:
Making a charge, filing a complaint, testifying, assisting or participating in an investigation, proceeding or hearing.	Threats, reprimands, intimidation or harassment.
Participating in a Sexual Misconduct (Title IX) complaint process.	Discharge, suspension or demotion.
Reporting discrimination, harassment or bias	Denial of probation or transfer or change in terms or conditions of employment of a State employee.

NIU prohibits retaliation. Retaliation is taking an adverse action against someone for participating in a protected activity.

## Protected Activities may include but are not limited to:

- Making a charge, filing a complaint, testifying, assisting, or participating in an investigation, proceeding, or hearing.
- Participating in a sexual misconduct complaint process, reporting discrimination, harassment or bias.

An adverse action is something that would dissuade a reasonable person from engaging in a protected activity including, but not limited to, making a report and participating in an investigation.

## Adverse Actions/Acts of Retaliation include but are not limited to:

- Threats, reprimands, intimidation, or harassment.
- Discharge, suspension, or demotion.
- Denial of probation or transfer or change in terms or conditions of employment of a State employee.
- Dismissal from a program
- Referral to a disciplinary body of the university

Educators have the power to launch a student's professional growth – refusing to give



a positive letter of recommendation or denying access to opportunities for academic growth because that student filed a sexual misconduct complaint, for example, is retaliation. Whereas supervisors have the power to launch an employee's professional growth – refusing to promote a subordinate or give an earned pay raise because that employee reported harassment, for example, is retaliation.

Retaliation against individuals who report sexual harassment, harassment, or discrimination, or who participate in investigations and other proceedings regarding those matters, is also a violation of the state Ethics Act, the Illinois Human Rights Act, and the Illinois Whistleblower Act. **The Ethics Act specifies** that retaliation is prohibited against a state employee if they disclose a reasonable violation of discrimination, sexual harassment, and/or harassment. **The Illinois Human Rights Act explicitly states** that it is a civil rights violation to retaliate against a person who, in good faith, engages in a protected activity such as filing a complaint, participating in an investigation, or testifying in court about a discrimination, sexual harassment or harassment matter. **The Illinois Whistleblower Act states** that an employer may not retaliate against an employee “for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.” 740 ILCS 174/15(b). Retaliation is also prohibited if a person refuses to participate in an activity that would be considered a violation of the law, rule or regulations.

Employees are encouraged to report all acts of suspected retaliation. Reports of retaliation may be made online using the Retaliation Complaint Form.

# Reporting Discrimination, Sexual Harassment, Harassment and Retaliation at NIU



**Report  
It!**



## **Ethics and Compliance Office**

- [go.niu.edu/File-Discrimination](http://go.niu.edu/File-Discrimination)
- [go.niu.edu/File-Retaliation](http://go.niu.edu/File-Retaliation)
- [ECO@niu.edu](mailto:ECO@niu.edu)
- 815-753-5560
- Health Services 230

## **Ethics Officer, Sarah Garner**

- [NIUEthicsOfficer@niu.edu](mailto:NIUEthicsOfficer@niu.edu)
- 815-753-5560
- Health Services 230
- Confidential

**Your Supervisor \* (may be a responsible employee)**

If you would like to file a complaint of discrimination or harassment with the university, you have several options. You may file a complaint with the Ethics and Compliance Office online using one of the Go links, or you may contact their office at [eco@niu.edu](mailto:eco@niu.edu) or by phone at 815-753-5560 or you can make a report in person. Filing a complaint online is encouraged. You may also file a CONFIDENTIAL complaint with the Ethics Officer, Sarah Garner. You may also choose to inform your direct supervisor, however, depending on the information you report, they may be required as a responsible employee to report the information to the Title IX Coordinator.

Information to include in your report includes where the incident took place, who was involved, any witnesses, and a summary of what happened. Even if you don't have all the details, report what you know. All details are important.

Northern Illinois University has trained investigators to conduct thorough investigations of complaints and walk all parties through the process. It is important to remember that the reporter should not investigate a complaint. The trained investigators will ask the necessary questions.

# Reporting Discrimination, Sexual Harassment, Harassment and Retaliation (State)



## Office of Executive Inspector General (OEIG)

- 69 West Washington Street, Suite 3400, Chicago, Illinois 60602
- 866-814-1113; 888-261-2734 (TTY)
- <http://www.inspectorgeneral.illinois.gov>

## Executive Ethics Commission

- 401 S. Spring St., 513 Wm. Stratton Building, Springfield, IL 62706
- 217-558-1393; 800-526-0844 (TDD);  
<https://www2.illinois.gov/eec/Pages/default.aspx>

## Illinois Department of Human Rights (IDHR)

- 100 W. Randolph St., Ste. 10-100, Chicago, IL 60601
- 312-814-6200 ; 866-740-3953 (TTY)
- 877-236-7703 (helpline) – confidential
- <https://www2.illinois.gov/dhr/Pages/default.aspx> (website)
- <https://www2.illinois.gov/sites/sexualharassment/Pages/default.aspx> (link for filing charge)

If you would like to file a complaint of discrimination, harassment, sexual harassment or retaliation externally with the state of Illinois, you may do so with the Office of Executive Inspector General (OEIG). The OEIG may accept complaints that are filed anonymously. Additionally, the OEIG will keep the identity of an individual providing information or reporting any possible or alleged misconduct confidential unless the individual consents to disclosure of their name or disclosure of the individual's identity is otherwise required by law. OEIG is an independent executive branch that does not investigate on the behalf of any individual or agency. OEIG investigations often involve interviews and review of relevant documents.

You may also make a report to the Illinois Department of Human Rights (IDHR). Reports to IDHR can be made through their confidential, toll free helpline. The helpline can be accessed by calling 877-236-7703 or through the link above. The helpline can assist people with anonymous reporting and with locating resources, including counseling services. All communication submitted to IDHR through the helpline is confidential and exempt from disclosure under the Freedom of Information Act. For people, who are subject to the Ethics Act, which includes State employees, IDHR will report allegations to the OEIG for further investigation when the reporter gives permission. The IDHR process is public and requires details such as personal contact and employer information. Reports can be made in person or by mail to both the Illinois Department of Human Rights and the OEIG. **Individuals are encouraged to consult the websites of the OEIG and IDHR regarding whether the**

**COVID-19 pandemic has impacted the process for reporting complaints.**

The state of Illinois **Executive Ethics Commission (EEC)** provides advisory information about sexual harassment and misconduct in the workplace and oversees the annual ethics training, as well as enforces the Ethics Act for all state government executive branch employees to ensure efficiency, transparency, fairness and integrity. The contact information for the EEC is listed on this slide as well.

## Reporting Discrimination, Sexual Harassment, Harassment and Retaliation (Federal)



### Equal Employment Opportunity Commission

- 230 S Dearborn Street Chicago, IL 60604
- 800-669-4000; TTY 1-866-740-3953
- <https://www.eeoc.gov/> (website)
- <https://www.eeoc.gov/how-file-charge-employment-discrimination> (link for filing charge)

### U.S. Dept. of Education, Office for Civil Rights

- 230 S. Dearborn Street, 37th Floor Chicago, IL 60604
- 312-730-1560; TTY: (800) 877-8339
- [ocr@ed.gov](mailto:ocr@ed.gov)
- [www.ed.gov/about/offices/list/ocr/complaintintro.html](http://www.ed.gov/about/offices/list/ocr/complaintintro.html) (link for filing charge)

An individual can also choose to report discrimination, harassment or sexual misconduct to the Equal Employment Opportunity Commission (EEOC) and the United States Department of Education Office for Civil Rights for any type of discrimination or harassment based on a protected category. The addresses, phone numbers, links for filing charges and websites to each are provided above.

# Consequences



## At NIU:

- Counseling statement
- Letter of warning
- Oral reprimand
- Written reprimand
- Training
- Suspension
- Termination



## State penalties:

- Fines
- Subject to discipline or discharge
- Other fines and penalties imposed by a State or federal agency, or court

An employee found responsible for violating the university's policy prohibiting discrimination, harassment or retaliation may be subject to corrective action or discipline, up to and including termination.

Additionally, any person who violates the Ethics Act's prohibition on sexual harassment may be fined up to \$5,000 per offense; is subject to discipline or discharge; and may also have fines or penalties imposed by a State or federal agency or court.

In addition to these consequences, the State may investigate reports of discrimination and harassment and make recommendations regarding continued employment. Under State law, engaging in sexual harassment, harassment, unlawful discrimination or retaliation can result in Illinois Human Rights Commission, state or federal court proceedings. If these allegations against the person or entity are founded in the courts, the individual or entity may be entitled to damages, backpay, reinstatement or other remedies.

With regards to retaliation, offenses that are found to be a violation of the Whistleblower Act are a Class A misdemeanor.

# False Reporting



## University penalties:

- Intentional false allegations, misrepresentation of facts, failure/refusal to cooperate with an investigation or the intentional breach of confidentiality:
- Disciplinary action including and up to suspension, termination or expulsion.

## State law penalties:

- Intentional false, frivolous or bad faith allegations:
  - Fine up to \$5,000
- Intentionally making a false report alleging sexual harassment to OEIG, EEC, or to certain law enforcement agencies/officials:
  - Guilty of misdemeanor
- Intentionally obstructs or interferes in an OEIG investigation:
  - Fine up to \$5,000

The University's Nondiscrimination Policy prohibits individuals from making intentional false allegations, misrepresenting facts, failing or refusing to cooperate, or intentionally breaching confidentiality.

If an employee is found to have engaged in this conduct, disciplinary action may result.

## In addition, state agencies may take action for similar types of conduct.

- The Executive Ethics Commission may levy a fine of up to \$5,000 against any person who:
  - intentionally makes a false, frivolous, or bad faith allegation, or who
  - intentionally obstructs or interferes in an OEIG investigation.
- Any person who intentionally makes a false report alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor.
- Also note that failure to cooperate with an OEIG investigation conducted pursuant to the Ethics Act, including intentional omissions and knowing false statements, is grounds for disciplinary action, including dismissal.

# NIU Sexual Misconduct Policy



[Sexual Misconduct Policy and Complaint Procedures](#)

Let's turn our attention now to NIU's Sexual Misconduct Policy and Complaint Procedures, which can be found in full in the university's policy library or by searching the NIU directory or by selecting the hyperlink above.

As a quick snapshot the Sexual Misconduct Policy states that NIU strictly prohibits sexual misconduct by students, faculty and staff. This prohibition is consistent with a federal law called Title IX of the Education Amendments of 1972, and with Illinois state law. The policy also outlines the obligations that Responsible Employees have when it comes to reporting suspected or actual incidents of sexual misconduct.



# Reporting: Responsible Employees



## Responsible Employees are:

- ❖ required to report all incidents of sexual misconduct

## Report Sexual Misconduct to the Ethics and Compliance Office:

- [go.niu.edu/File-Misconduct](https://go.niu.edu/File-Misconduct)
- [TitleIXCoordinator@niu.edu](mailto:TitleIXCoordinator@niu.edu)
- 815-753-5560
- Health Services (2<sup>nd</sup> Floor)

**Don't investigate. Trained staff will do this.**

Remember, most NIU employees are Responsible Employees and Responsible Employees are required to report instances of suspected or actual sexual misconduct. If you are unsure whether or not you are a responsible employee, you are required to contact the Title IX Coordinator to find out.

Reports of sexual misconduct are made to the Title IX Coordinator in the Ethics and Compliance Office. You may file a report online, email, call, or stop into the office. Filing a report online is encouraged. This satisfies your reporting obligation as a responsible employee. If an employee is unsure if they should report something they learned about, they may contact the Title IX Coordinator and find out.

Don't try to categorize the incident, just report the behavior and actions. Northern Illinois University has trained investigators to conduct thorough investigations of reports and walk all parties through the process. It is important to remember that the reporter should not investigate a complaint. The trained investigators will ask the necessary questions. This is a sensitive topic and by reporting everything known, the reporter could be giving the investigator crucial information to the case.

# Consent



## ✓ Consent is..

- Clear
- Mutual
- Freely given
- Voluntary
- Informed
- Can be withdrawn at any time

## ❖ Consent is not...

- A person who is incapacitated, asleep or unconscious cannot give consent.
- Force, threats, intimidation, coercion or fraud cannot be used to gain consent.
- Consent is not based on a prior consensual act with a person.

Before we take a look at the forms of sexual misconduct that may occur and that are listed within the Sexual Misconduct Policy, we need to first have a clear understanding of consent. One of the, if not the most important, aspects of any healthy relationship is having consent to engage in an activity, especially sexual activities. Getting consent to engage in sexual activity of any kind is critical. And communication is key. Consent is clear, informed, voluntary and a freely given agreement to knowingly engage in sexual activity. Consent must be mutually understood upon by words or through actions. The absence of an affirmative statement or a verbal “yes” is not consent (don’t assume because someone doesn’t explicitly say “no” that consent has been given) and the absence of an act of denial is not consent.

People who are incapacitated due to drugs and/or alcohol, or who are asleep, or who are unconscious cannot give consent.

Consent cannot be forced or coerced through threats, intimidation or fraud. Any prior consensual act or encounter that has occurred does not mean there is consent now. Rather, communication must occur each and every time to know if the sexual activity is consensual. This communication is essential both before and throughout the sexual activity because consent can be withdrawn at any time. If the person who is seeking consent is under the influence of drugs and/or alcohol, it is still their responsibility to seek and receive consent.

Let's watch a short video now that gives some guidance on how to ask for consent and that further highlights the importance of getting consent.

## Video - Consent



<https://www.youtube.com/watch?v=laMtr-rUEmY>

(Video will appear on slide)

This video provided some good examples of what consent is and isn't, as well as some ways to ask for consent. Remember to get consent before and during sexual activity, as well as each and every time sexual activity is initiated.

# Forms of Sexual Misconduct



**Sexual  
Harassment**

**Sexual  
Assault**

**Domestic  
Violence**

**Dating Violence**

**Stalking**

**Gender  
Harassment**

When consent is not given, sexual misconduct occurs. Here we see that sexual harassment, sexual assault, domestic violence, dating violence, stalking and gender harassment are all forms of sexual misconduct.

University policy, federal, and state law prohibit students and employees from engaging in sexual misconduct.

Next, we will take a look at each of these more closely.

# Sexual Harassment



## 1. Quid Pro Quo

- An employee conditions the provisions of university aid, benefit, or service on an individual's participation in unwelcome sexual conduct. "This for that."

## 2. Denial of Equal Access

- Unwelcome conduct based on sex determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the university's education program or activity.

There are 2 types of sexual harassment to be aware of and that fall under the sexual misconduct policy and Title IX law. First, is Quid Pro Quo which is more commonly known as "this for that" and is when an employee conditions university aid, a benefit or a service to a student or employee on the condition that the student or employee participates in unwelcome sexual conduct. As an example shown on this slide for Quid Pro Quo, a supervisor agrees to approve a subordinate's vacation but only if that employee agrees to go on a romantic date with them. In this example, the supervisor is giving something to their employee that is wanted (approval to take vacation) but only in exchange for a romantic date (something the supervisor wants and that is unwelcome sexual conduct).

The second type of sexual harassment is Denial of Equal Access which is unwelcome conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity. An example of denial of equal access would be if there were two employees working in the same office within the same department and one employee is repeatedly sending unwelcomed sexual photos to the other employee, which results in the receiving employee of those images avoiding their office. Because the employee is so uncomfortable and is experiencing severe, pervasive and objectively offensive conduct from the other employee that is causing avoidance of their office, this constitutes denial of equal access under the sexual harassment form of sexual misconduct.

A key thing to know here also is that the effect of the action as perceived by the victim is what constitutes sexual harassment, not the intent of the alleged offender.

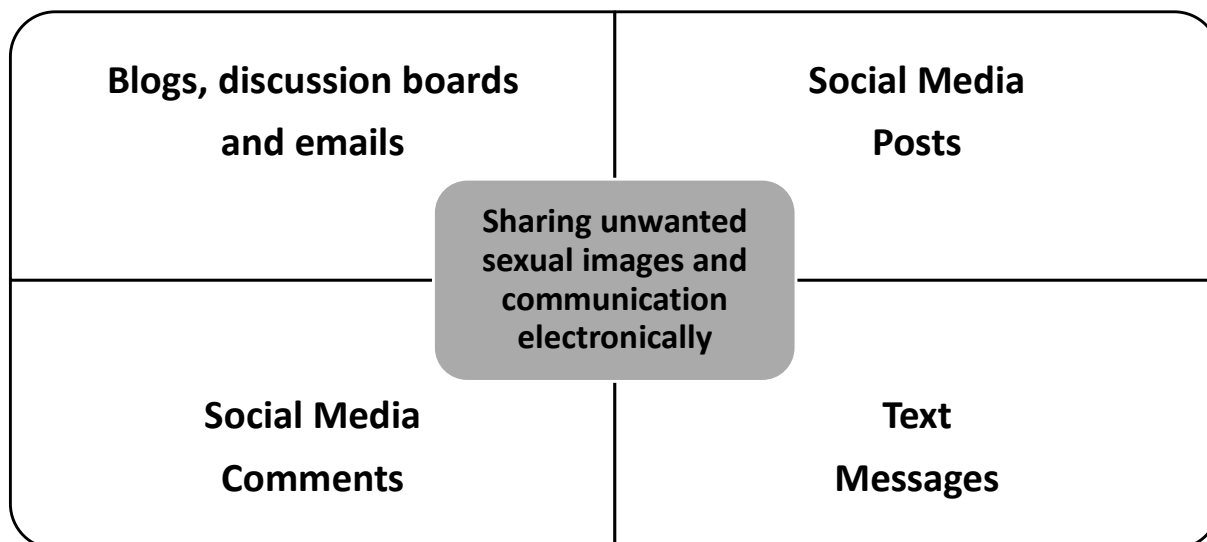
Some examples of Sexual Harassment would be:

- Deliberate touching or cornering of another person
- Pressuring a person for dates
- Sexual teasing, jokes, or questions
- Giving neck or shoulder massages to another person

Sexual harassment could be visual, for example, showing someone a sexually explicit picture from a phone or in person when they do not want to see it or have not asked to see it. It could be verbal such as making sexually derogatory comments, or it could be physical in nature. For instance touching someone in a sexual manner without their consent.

You may be wondering why this definition of sexual harassment varies somewhat from the definition you learned about earlier when discussing discrimination and harassment. This is because there are various federal and state laws that define sexual harassment, and we must follow them both. The key take away is that sexual harassment is prohibited at NIU and if you learn of any suspected or actual sexual harassment, you must report it if you are a Responsible Employee.

# Sexual Harassment and Technology



Sexual harassment is not limited to in-person interactions. It can occur through electronic communications as well. Consider how often technology is used to communicate with others. This includes texting, email, social media, photos and videos. Sharing unwanted images of a sexual nature through electronic means can be considered sexual harassment.

Do not send or share images, videos or communication of a sexual nature through social media posts or comments, text messages, discussion board comments and emails. If you receive unwanted communications of this nature, report them to the Title IX Coordinator.

Protect your digital footprint by not sending or sharing images, videos or communication of a sexual nature through social media posts or comments, text messages, discussion board comments and emails. Communication via technology that is unwanted and sexual in nature is still sexual harassment and prohibited by NIU policy and must be reported.



# Sexual Assault



- Any sexual act directed against another person, without consent.
- Includes instances where a person is incapable of giving consent.
- ❖ Incapacitation = inability to make informed, rational judgements.
  - unable to give consent due to:
    - Drugs and/or alcohol
    - Asleep or unconscious
    - Physical, intellectual or mental disability

Sexual Assault is defined as any sexual act directed against another person, without consent, including instances where the person is incapable of giving consent. Sexual assault includes penetration without consent, and it also includes touching of private body parts (groin, breast, buttocks) without consent. For example, if an employee took a person's hand and forced them to touch their genitals that would be a form of sexual assault or an employee forcing another person to engage in sexual intercourse that involves penetration would be sexual assault.

An important aspect of sexual assault to know about is incapacitation. When a person is unconscious, perhaps due to drugs or alcohol, or they are asleep or have a physical, intellectual or mental disability - they are unable to make informed, rational judgements and therefore are unable to give consent to sexual activity.

# Domestic Violence



- A felony or misdemeanor crime of violence committed by:
  - a current or former spouse or intimate partner,
  - a person with whom a survivor/victim shares a child,
  - a person who has lived or is living with the survivor/victim,
  - a person similarly situated to a spouse (civil union or in a long-term intimate relationship)
  - a person against an adult or youth who is protected under the domestic or family violence laws of the State of Illinois.

Domestic Violence is a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the complainant;
- By a person with whom the survivor/victim shares a child in common;
- By a person who is **or** has lived or is living with, the survivor/victim as a former or current spouse or intimate partner;
- By a person similarly situated to a spouse of the survivor/victim, meaning persons in a civil union or long-term intimate relationship, under the domestic or family violence laws of the State of Illinois;
- By any other person against an adult or youth survivor/victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

For example, if a person grabs and pulls the hair of someone they live with as a former or current spouse or intimate partner, that would be considered domestic violence.

It's important to note that domestic violence and dating violence are not the same, despite some of the similarities centering around violent acts committed against a person. Domestic violence occurs between people in formal, on-the-record and mutually agreed upon relationships. Let's take a look next at what dating violence is and might look like in comparison.



# Dating Violence



Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other person.

- How do we know if two people are in a relationship?
  - Length of time
  - Type
  - Frequency of interaction

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of abuse.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other person. The existence of a relationship is determined by considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. For example, if a person slaps or pushes another person that they have gone on multiple dates with during an argument that would be considered dating violence.

However, dating violence does not include acts covered under the definition of domestic violence. Rather, dating violence might occur between friends with benefits or in a new relationship that is informal in nature because maybe rules have not yet been established to constitute mutual agreeance of a relationship. Whereas, as we saw in the previous slide, domestic violence occurs between individuals in a formally recognized and mutually agreed upon relationship.

These two are easy to confuse, but the takeaway here is if there are any signs or threats of sexual or physical abuse, we want to recognize those signs and take action to help the person being abused. More to come on how to help as we move through this training.

# Stalking



- Knowingly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

What is a course of conduct?

- two or more acts
- directly, indirectly or through third parties
- follows, monitors, observes, surveils, threatens, communicates to or about another or interferes with another's personal property
- by physical acts or electronic means, such as a computer or cell phone.

Stalking is defined as engaging in a course of conduct directed at a specific person on the basis of their sex that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

A course of conduct means two or more acts in which a person directly, indirectly or through third parties: follows, monitors, observes, surveils, threatens, communicates to or about a person, or interferes with another's personal property. Substantial emotion distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

It's important to note that it is irrelevant whether or not the person sought or received counseling or medical attention as a result of stalking. It is based on if the person suffered substantial emotional distress because of what happened.

As an example, if an employee recently broke up with their partner and that partner sends them angry and aggressive texts and then shows up without warning at to their workplace which results in the employee feeling anxious about going to work, that would be stalking.

# Gender Harassment



- Unwelcome conduct based on gender that is determined by a reasonable person to be so severe, pervasive and objectively offensive that is effectively denies a person equal access to the university's education or activity.



Gender Harassment, which is our last form of sexual misconduct, is unwelcome conduct based on gender that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.

For example, if an instructor has a student who presents as male but who identifies as female and the instructor repeatedly prevents the student from using the restroom which the student identifies with then this would be considered gender harassment.

# Reporting Sexual Misconduct



## **Ethics and Compliance Office**

- Health Services 230
- 815-753-5560
- [TitleIXCoordinator@niu.edu](mailto:TitleIXCoordinator@niu.edu)
- Online: [go.niu.edu/File-Misconduct](http://go.niu.edu/File-Misconduct)
- Not confidential
- Title IX Coordinator and survivor decide if an investigation will occur; supportive measures may be possible.

## **Police**

- NIU Police and Public Safety
- 395 Wirtz Drive
- 815-753-1212 or 911
- Not confidential

## **Supervisors**

- Your supervisor may be considered a responsible employee or not confidential/required to make a report

As a Responsible Employee, you are required to report incidents of sexual misconduct to the Ethics and Compliance Office. You can report by either stopping by the Ethics and Compliance office in the Health Services building -- room 230, by calling (815) 753-5560, by emailing at [TitleIXCoordinator@niu.edu](mailto:TitleIXCoordinator@niu.edu), or online at [go.niu.edu/File-Misconduct](http://go.niu.edu/File-Misconduct). The Title IX Coordinator can receive reports anonymously and confidentially if that is preferred by the victim/survivor.

In addition to filing a report with the Title IX Coordinator, you may also file a report of sexual misconduct with the NIU Police. They are located at the front of the Health Services building on campus. NIU Police are not a confidential resource for reporting. With the NIU Police Department students can make a report and if in immediate danger, call 911. Anyone can walk into the NIU police station and ask to speak to an officer. The NIU Police Department can provide information about other resources available on and off campus. The officers there are trained to support students in any way they can.

You may also choose to report sexual misconduct to your supervisor – it's important to note that because most employees at NIU are Responsible Employees, your supervisor may not be a confidential resource and may be required to make a report. Likewise, as an employee you may be a point of contact for students who experience sexual misconduct, harassment or discrimination. Inform students in these instances before they disclose that as a responsible employee, you are required to report. Take

care to let them know that just because you report, does not mean an investigation will automatically occur. That decision will be up to them (the victim/survivor) and the Title IX Office; however supportive measures including relocation of on-campus housing and campus no contact orders along with other supports may be available. Let the student or colleague know about resources for services and support that are available to them.

There are anonymous and confidential reporting options also that we will discuss in a moment.



## University Scope



- All sexual misconduct, whether (or not) it occurs in an academic, educational, extracurricular, athletic or other university program or activity.
- On or off campus, even if the sexual misconduct did not occur in the context of a university or education program or activity.
- NIU Student or Employee involvement.

You might be wondering if there are any situations where you would not be required to report sexual misconduct you learn of, for example, if a student tells you they were sexually assaulted off campus by a non-student. You are required to report ALL sexual misconduct you become aware of, regardless of where it occurred or when it occurred and regardless if it involves a student or employee of the university. The student or employee may be the person that experienced the sexual misconduct or is alleged to have engaged in it. When in doubt, report. The Ethics and Compliance Office will do the work from there to determine if and how next steps, including an investigation, will go.

# Confidential Resources at NIU



## **Employee Assistance Program**

Holmes Student Center 709  
(815) 753-9191  
[EmployeeAssistance@niu.edu](mailto:EmployeeAssistance@niu.edu)

## **Office of the Ombudsperson**

Holmes Student Center, 6th Floor  
(815) 753-1414  
[ombuds@niu.edu](mailto:ombuds@niu.edu)

## **Counseling and Consultation Services**

Call 815-753-1206 or visit  
Campus Life Building 200

## **Safe Passage – featured on the next slide**

Call 815-756-5228

## **NIU Trauma Services Clinic**

Psychological Services Center  
Psychology/Computer Science Building 400  
Call 815-753-0372

## **Student Health Center**

Call 815-306-2777 or visit 375 Wirtz Dr

This slide provides information about confidential resources, meaning whatever is shared with individuals at these offices cannot be shared with anyone else without permission. Coworkers or students may want to talk with a confidential resource following an instance of sexual misconduct for support, guidance and to learn about their options regarding pursuing an investigation and pressing criminal charges.

EAP offers confidential support services to NIU employees specifically. The Office of the Ombudsperson provides confidential and informal assistance for resolving university-related concerns and will consider all sides of an issue in a neutral manner. Counseling and Consultation Services is a confidential resource on campus. Their counselors talk with students about any concerns they may have. When it comes to domestic violence, dating violence, stalking and sexual assault they can guide students through many processes which could include individual counseling, medical options and reporting. Safe Passage is an important NIU partner. Their services are featured in detail on the next slide. The NIU Trauma Services Clinic is a confidential resource that specializes in a full range of outpatient psychological services to the community and NIU students, faculty and staff. The Trauma Services Clinic specializes in the assessment and treatment of Posttraumatic Stress Disorder (PTSD), a disorder that may occur following trauma exposures such as accidents, disasters, sexual assault, dating violence, domestic violence and stalking. The Student Health Center is also a confidential resource and can help with basic medical needs. They can also refer students to other medical professionals for situation they don't cover.

# Safe Passage



## DeKalb County's Domestic Violence and Sexual Assault Crisis Center

- Free and Confidential
- Shelter
- Counseling
- Legal and Medical Advocacy
- Referrals
- Text Line: 815-393-1995



24 Hour Crisis Line: 815-756-5228

Safe Passage is DeKalb County's Domestic Violence and Sexual Assault Crisis Center. They are here for survivors of domestic violence, dating violence, stalking and sexual assault, and their friends and family. They serve survivors of all genders and sexual orientations, no matter when the abuse occurred. They offer a variety of services and supports. And, all their services are completely free and confidential. Anyone can call on Safe Passage even if they just want to talk out a negative situation.

Safe Passage offers shelter for anyone who is fleeing an abusive partner and needs a safe place to stay. They also offer counseling, with group, individual, and family counseling sessions available. Safe Passage staff responds 24-hours-a-day to the emergency room at Kish Hospital in DeKalb, supporting people day or night who have experienced domestic violence or sexual assault. Students might wonder what happens next – they might **not know** whether or not they want to report the crime or whether or not they want a rape evidence collection kit done or what it even means to have a rape kit done – and what this might cost. Safe Passage can help provide this for free and explain the process.

Advocates are there to answer these and many other questions. Safe Passage's legal advocates are also there to guide people through the complex criminal legal system. They can help file an order of protection or answer questions about pressing charges. Legal advocates aren't your lawyer, but they are there to answer questions and provide emotional support along the way. Whatever people might need as they start

or continue their healing journey, Safe Passage is there. Services are always free and completely confidential. They won't report to law enforcement or NIU unless the victim/survivor wants them too. If a victim/survivor decides to report, Safe Passage can be with them all the way. For more information or if you, a student or colleague just need to talk, call Safe Passage, day or night at 815-756-5228 or text them at 815-393-1995.

# Active Bystander



- An Active Bystander is:
  - someone who safely and without confrontation becomes engaged to stop or decrease negative behavior.

**Huskies Are Active Bystanders!**

An important part of making sure NIU is a place where we can all thrive is when Huskies (whether an employee or a student) act as active bystanders when they see a negative situation or a situation that could be problematic. While a bystander is a person who observes a behavior that is unacceptable and could be potentially harmful to another person's health or well-being and does not take action, an active bystander safely takes action to stop or decrease the negative behavior or situation. At NIU, Huskies are active bystanders!

We have all been in situations where we see something that feels off but hesitate to step in or doing anything. This can happen for a number of reasons. Some of the common barriers to stepping in may include: our own personal feelings or beliefs about the situation or people; maybe we don't know the people involved; maybe we consider our own personal safety in the situation; maybe you are in a space you've never been before; or maybe our culture or upbringing may have taught us not to interfere in other people's relationships. One of the most common thoughts that stops people from taking action when they see a negative situation is simply thinking/assuming that someone else will notice the negative situation and take action so that we don't have to. Unfortunately, this is not always the case. While others may notice the negative situation, they may also think someone else will take action. So it is up to an active bystander to do the right thing. Let's talk about some techniques that can help you to be an active bystander the next time a negative situation occurs.

# Active Bystander Techniques



## Delegator

Alert other people and ask for their assistance.

- **Example:** A coworker continues to make sexually suggestive jokes about others in the office. You talk to your supervisor about it how it makes you uncomfortable and ask about options for addressing it.

## Distractor

Divert the attention from the situation.

- **Example:** You notice Coworker 1 has cornered Coworker 2 in the break room. Coworker 2 looks worried and keeps trying to move away. You pop over and say, "Hi, Coworker 2, I need your help with a project at my desk. Please come help me."

## Director

Speak up and address inappropriate behavior.

- **Example:** A coworker makes negative comments about another coworker who has a disability, you say, "Hey that's inappropriate and unprofessional. Can you stop?"

An active bystander can take on the role of:

A Delegator: A delegator can get help. They can talk to their supervisor, for example, and ask for options to address the behavior. And of course, if the situation seems too harmful to take action, use your delegator skills to call 911 or contact someone in authority to help.

The Distractor: The Distractor can help by drawing attention away from the negative situation- they could say, "Hey, I need your help with this project so please come over to my desk for a moment" and then guide the person away.

The Director: The Director **can help** by directly intervening or directly addressing the inappropriate behavior. Saying something like "Hey that's inappropriate so please stop" might be something an active bystander who decides to take on the role of a Director might do.

Each person may be comfortable using a different method or depending on the situation may use multiple methods. Use whatever technique you feel most comfortable with.

Using the 3D's of active bystander intervention can help build confidence when we see harmful behavior such as possible discrimination, harassment, sexual assault,

stalking, domestic violence, dating violence or any other negative situation. It can seem difficult to intervene, but being an active bystander helps keep our fellow Huskies safe.

## Take the Test and Certify Review



Certify your review of this training and of the  
Legal Definitions Handout.

If you have questions about the content covered in this training,  
contact us at [adei-training@niu.edu](mailto:adei-training@niu.edu).

Thank you!

Thank you for listening to this important presentation on nondiscrimination, harassment, retaliation and sexual misconduct awareness and prevention training. If you have questions or comments, please reach out to us at [adei-training@niu.edu](mailto:adei-training@niu.edu).

Now, you must return to blackboard and access the test that accompanies this training. You must score an 80% or better on the test. You can retake the test as many times as necessary to achieve a passing score. Good luck and go Huskies!

**(Kaltura Video Quiz – closing yes/no question):** Attestation Statement “I certify that I have carefully read and reviewed the content of, and completed, the 2021 Nondiscrimination, Harassment, and Sexual Misconduct Awareness and Prevention Training. Furthermore, I certify that I have reviewed the Legal Definitions Handout and I understand my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of State employment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.”